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MICHELLE T. WAHL, on behalf of
herself and all others similarly situated

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

**MICHELLE T. WAHL, on behalf of
herself and all others similarly situated,**

Plaintiff,

v.

**AMERICAN SECURITY INSURANCE
COMPANY; and DOES 1-50, inclusive,**

Defendants.

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AMERICAN SECURITY INSURANCE
COMPANY

Case No. C:08-0555-RS

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER AMENDING THE CASE
MANAGEMENT SCHEDULING
ORDER ENTERED ON JANUARY
27, 2011 AS MODIFIED BY THE COURT**

1 The parties, by their undersigned counsel, hereby submit the following stipulation and
2 [proposed] order for entry by this Court pursuant to Local Rule 7-12:

3 1. At the Case Management Conference held by the Court on January 20, 2011, the
4 parties advised the Court that they had participated in settlement mediation sessions with Judge
5 Edward A. Infante (retired) on October 11, 2010 and December 13, 2010, had made some progress,
6 but that the parties did not have a consensus to return for a third mediation session. As a result, the
7 Court directed the parties to submit a Joint Proposed Pre-Trial Schedule.

8 2. On January 26, 2011, the parties submitted a Joint Proposed Pre-Trial Schedule
9 (Document 166), which the Court entered on January 27, 2011 (Document 167).

10 3. Following the January 20, 2011 Case Management Conference, counsel for the
11 parties continued informal negotiations, and have made significant progress toward a proposed
12 preliminary class action settlement. In light of this progress, the parties have agreed to a third
13 mediation session scheduled for March 24, 2011. This mediation session will be conducted by
14 Judge Ronald M. Sabraw (retired) to whom Judge Infante referred the parties since his schedule is
15 booked until the end of May, 2011.

16 4. The parties believe that, given their recent significant progress toward a preliminary
17 class action settlement and the scheduling of another mediation session for March 24, 2011,
18 proceeding at this time as currently scheduled under the January 27, 2011 Pre-trial Schedule would
19 neither be efficient or economical. To proceed with dissemination of litigation class notice by
20 March 21, 2011 as well as to conduct discovery and other pre-trial matters as currently scheduled
21 would impede, rather than facilitate settlement negotiations. Indeed, it may result in the mailing of
22 an unnecessary litigation class notice if a preliminary class action settlement is reached at the March
23 24, 2011 mediation session. As a result, the parties jointly request that the Court extend by four (4)
24 weeks all of the pre-trial deadlines established in this Court's January 27, 2011 Order (Document
25 167), as follows:

Event	Proposed Deadline
Distribution of Class Notice	April 18, 2011
Expert Witness Reports Served	August 26, 2011
Expert Witness Rebuttal Reports (if any) Served	September 30, 2011
Completion of Hearings for All Discovery Motions, and Completion of All Fact and Expert Discovery	October 28, 2011
Dispositive Motions	On or before November 3, 2011
Dispositive Oppositions	November 23, 2011
Dispositive Replies	December 1, 2011
Hearing on Post-Discovery Dispositive Motions	December 29, 2011
Joint Final Pretrial Conference Statement (including witness and exhibit lists and deposition designations)	February 9, 2012
Motions <i>in limine</i> and other objections to witness and exhibit lists and deposition designations	February 23, 2012
Trial Briefs	February 23, 2012
Final pretrial conference	March 1, 2012 3/29/2012 at 10:00 a.m.
Bench Trial	Commencing March 12, 2012 4/9/12 at 9:00 a.m.

The Parties respectfully request that the Court enter this Stipulation.

Dated: March 4, 2011

AGREED TO BY:

**STEMBER FEINSTEIN DOYLE
& PAYNE, LLC**

JORDEN BURT LLP

By: s/ Joseph N. Kravec, Jr.
Joseph N. Kravec, Jr.

By: s/ Frank G. Burt (per e-mail consent)
Frank G. Burt

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ATTORNEYS FOR DEFENDANT

ATTORNEYS FOR PLAINTIFF

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 3/4, 2011


Honorable Richard Seeborg